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Attorneys For Defendants  
COMCAST OF CALIFORNIA/COLORADO/WASHINGTON I, INC.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MATTHEW JOHNSON, On Behalf Of Himself  
And All Others Similarly Situated,

Plaintiff,

vs.

COMCAST OF CALIFORNIA/  
COLORADO/WASHINGTON I, INC.

Defendant.

CIVIL ACTION NO. 3:10-CV-04147 JSW

**JOINT STATUS UPDATE OF RELATED  
STATE COURT LITIGATION**

Courtroom: 11 – 19<sup>th</sup> Floor  
Judge: Jeffrey S. White

1 Pursuant to this Court's January 6, 2011 Order granting Defendant Comcast of  
2 California/Colorado/Washington I, Inc.'s ("Comcast" or "Defendant") Motion to Stay, Plaintiff  
3 Matthew Johnson ("Plaintiff") and Comcast hereby submit the following Joint Status Update Regarding  
4 the Related State Court Litigation, which is based upon the representations of Defendant regarding the  
5 state court proceedings.

6 **STATUS OF STATE COURT LITIGATION**

7 The matter of *Fayerweather v. Comcast Corporation and Comcast of Contra Costa, Inc.*,  
8 currently pending in the Superior Court of California in and for Contra Costa County as Case  
9 No. C-08-01470, continues to move towards trial. The opt-out period for the class ended on June  
10 27, 2011. At the last case management conference on November 17, 2011, the *Fayerweather*  
11 Court issued an order to show cause why decertification should not be granted. However, the  
12 *Fayerweather* Court postponed briefing on the order until the California Supreme Court issues  
13 its decision in *Brinker Restaurant Corp. v. Superior Court*, after which Plaintiff Fayerweather  
14 will have 45 days to submit a motion arguing why his case should not be decertified. Following  
15 Plaintiff Fayerweather's submission, Comcast Corporation and Comcast of Contra Costa, Inc.  
16 will have 45 days to submit an opposition to the motion. Following Comcast's opposition,  
17 Plaintiff Fayerweather will have 45 days in which to submit reply briefing.

18 Pursuant to California Rules of Court, the California Supreme Court has until April 12,  
19 2012, at the latest, to issue its decision in *Brinker Restaurant Corp. v. Superior Court*.  
20 Accordingly, the latest possible date by which Plaintiff Fayerweather will have to submit his  
21 opening motion on the order to show cause is May 28, 2012. Based on the schedule set by the  
22 *Fayerweather* Court, briefing on the order to show cause should be completed no later than  
23 August 27, 2012. Should Comcast prevail on the order to show cause why decertification should  
24 not be granted, the *Fayerweather* Court will decertify the case.

25 No trial date has been set in the matter.  
26  
27  
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1 Dated: February 21, 2012

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1 Dated: February 21, 2012

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